

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
September 21, 2004

1. WORKSHOP MEETING

- 1.1 Mayor Dirksen called the meeting to order at 6:31 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, and Woodruff were present
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items:

Mr. Monahan noted the items will be discussed at the end of the meeting.

Mayor Dirksen noted tonight was the last meeting Lindsay Boyce, Youth Advisory Council Liaison, would attend as ex-officio member of the Council. Ms. Boyce stated Rob Williams was elected to the position and will attend Council meetings during the coming year.

2. JOINT MEETING WITH THE BUDGET COMMITTEE

Finance Director Craig Prosser introduced Budget Committee members Irene Moszer, Mike Benner and Susan Yesilada. The Budget Committee Agenda is included in the Council packet.

1) Budget Amendments

Mr. Prosser distributed copies of the FY 2004-05 Budget Amendment Summary, which were then reviewed (Agenda Item #2, Exhibit 1 – copy of which is on file with the City Recorder).

2) Financial Reports

Mr. Prosser reminded Council they had reviewed the various financial reporting forms available and the first monthly Revenue and Expenditure for the General Fund had been distributed. Other funds will be reviewed at future quarterly meetings.

3) Discussion of November Ballot Measures

- a) Measure 37 – Governments Must Pay Owners, or Forego Enforcement, when Certain Land Use Restrictions Reduce Property Values

Community Development Director Jim Hendryx reviewed aspects of Measure 37 and information included in the agenda packet. Basically, no one has adequate funds to pay property owners if this measure is approved and cities, counties and the state will look at this on a case-by-case basis. Mr. Hendryx answered questions from members of the Budget Committee and Council.

- b) Measure 38 – Abolishes SAIF; State Must Reinsure, Satisfy SAIF's Obligations; Dedicates Proceeds, Potential Surplus to Public Purposes.

Risk Manager Loreen Mills reviewed the material included in the Council packet and answered questions of Council.

4. Bull Mountain Annexation

Mr. Prosser noted the Bull Mountain Annexation ballot measure will be on the November ballot, which included a phase in of taxes over three years. Staff analysis shows the taxes on property assessed at \$250,000 would be reduced by \$15 the first year, increase by \$167 the second year and \$318 the third year. He then discussed the issue of cost of service and revenue generated in the Bull Mountain area. The City is committed to begin the hiring process of additional police officers early in 2005 in order for those officers to go through the Police Academy and Tigard's tutoring type program new officers go through and be ready to begin patrolling the area on July 1, 2005. In the operations side, the annexation will more than pay for itself. Regarding capital needs for the area proposed to be annexed, the area does not produce sufficient revenues to pay for all the capital improvements that are needed. An analysis has not been conducted in order to determine all the needs of the area but they know the area lacks park facilities. The intent is to use money from cash flow from operating funds to support bonds to provide a pool of money to immediately begin buying land for parks in the annexed area. Otherwise, with tax phase-in, the process to buy land would not be able to occur as rapidly.

Mr. Prosser noted discussion continues with Washington County about approving and implementing a Park System Development Charge (SDC) system for this area. The residents of the Bull Mountain area had requested

that SDC's collected in the area be used in the area. The current City policy is that SDC's collected throughout the city is used throughout the city. This would require a change in policy.

Mayor Dirksen pointed out the Council had some discussion that the area proposed for annexation needs park land as well as the concept of using SDC's collected in the area specifically for projects in the area. The Council also noted there would not be enough SDC money collected in the area for some time and other money from the City would have to be used in order to have sufficient funds to acquire land for park purposes.

## 5. Telecommunications

### a) Qwest /Verizon Audit Status

Mr. Prosser explained the City of Tigard has participated for the past two years with 70 jurisdictions about auditing Qwest and Verizon operations. Verizon finally allowed auditors on site in Dallas, Texas, in June. The plan is to have the audit concluded by the end of December.

### b) Privilege Tax

Mr. Prosser reminded the Budget Committee that there had been some additional revenue options discussed at their meetings last May. One was a privilege tax, which is a tax on utilities. There was not a lot of interest or opposition expressed, so this continues to remain on the back burner.

Mr. Process discussed issues relating to the privilege tax:

- A new agreement negotiated with NW Natural was approved by the City and NW Natural in July, which included a 5% increase in the franchise fee which began to be implemented with customer's bills in August.
- The franchise agreement with Verizon expired in 2003 and staff has tried to negotiate a new franchise with Verizon. He reviewed the status of the lawsuit Qwest filed against the City of Portland which challenged the local franchising authority. Verizon has verbally indicated it would continue to abide by the terms of the old franchise agreement, including payment of the franchise fees, even though there is no agreement.

Because the agreement has expired, the City has no standing to require Verizon to pay the franchise fee.

- Other cities in this position have implemented a privilege tax ordinance on telecommunication companies, to the effect that if a franchise agreement is not in effect, the privilege tax controls. Staff could easily write an ordinance with a 5% level. Any proposed ordinance would apply to all telecommunication agencies as there are some existing companies operating in Tigard who do not have franchise agreements.
- Mr. Prosser indicated he could begin to write and submit a proposed privilege tax ordinance to telecommunication companies before being submitted to Council for consideration. He noted other cities in the region are in the same situation as Tigard with Verizon who have approved a privilege tax on telecommunications in order to protect themselves should any telecommunication company refuse to comply with the city's franchise requirements.

Council concurred to direct Mr. Prosser to study this issue further relating to how a privilege tax is shown on the bill, and where the tax comes from. Mr. Prosser indicated that if he finds the tax is within the rate base, he will first report back to Council, before beginning to work with the City Attorney on a draft ordinance. If the tax is on top of the rate base, it will probably just go away.

#### 6) Library Status Report

Mr. Prosser explained the Library construction budget was \$14.5 million; after the outstanding bills are paid, the cost will be \$13.8 million. The bond was \$13 million; under IRS regulations, that was the first amount spent. The city received a bequest from Grace Tigard Hotten for library purposes. As a result in reduction of funds from WCCLS this year, the hours of operation needed to be reduced beginning in July. The Library Board contacted Curtis Tigard, sister of Ms. Hotten, who approved using some of the bequest to increase the Library hours to 54 hours a week between July 1 and the end of November. In November, the City will be faced with deciding whether to reduce the hours or using other City funds for operating the Library.

Mr. Monahan noted a decision would need to be made by mid-November. Shortly before that, the Library Board will be talking about that and making a proposal to the City Council. The City has continued to ask guidance from Curtis Tigard as that bequest was made in his sister's name.

Mr. Prosser explained the balance in the construction budget is from the Hotten bequest. The City had transferred \$200,000 from the General Fund to the Facility Fund. This could be looked into. One of the concerns with the Hotten bequest is that it is one-time money and once used, it is gone.

Mayor Dirksen asked if those funds could be used to retire the bonds earlier. Mr. Prosser noted it could or it could be used to buy additional books, which might increase funding from WCCLS.

Councilor Moore asked what effect the reduced hours have had on circulation, and the funds received from WCCLS. Mr. Monahan explained the City receives WCCLS funding based on a number of factors, including circulation, internet use, open hours, and introduction of new materials into the collection. There has been an increase in circulation because of the new Library. Some funds were put aside in the City budget prior to the opening date to enhance the collections. The open hours are competitive with other libraries in that all have had to make adjustments in their hours of operation. The problem is the amount of money available in the WCCLS fund has been reduced and there is not a whole lot to be gained by increasing circulation. If the City made a push to increase the hours to 75 and circulate more books, there is not a whole lot more funding the City could get from WCCLS. The Advisory Board and staff have been making some decisions and soliciting input from patrons on how the current hours are working. The Library is not open on Sundays. There are some people who indicate the Library should be open on Sundays but have shorter hours during the weekday. There are a lot of different groups and categories of users using the Library and all need to be considered. Any time you go to the Library, there are a huge number of people using the Internet and people are taking the resources out the door.

### 3. REVIEW INITIAL DRAFT UPDATED PARKS SYSTEM DEVELOPMENT CHARGE METHODOLOGY

City Engineer Dennis Koellermeier explained this is a draft of the updated Parks System Development Charge Methodology. If Council approves, this process will begin the process to hold a public hearing on November 23. He noted the City

hired Don Ganer Associates to review and prepare the Parks & Recreation System Development Charge (SDC) Methodology Update, a copy of which is included with the agenda packet. Mr. Ganer is considered to be an expert on Parks SDC Methodology.

Don Ganer noted the draft report in the agenda packet will be updated to correct a number of typographical errors and include updated information. Mr. Ganer explained some significant changes to the system development charge statutes were made in the 2003 Legislative session. The most significant change is that SDC's have to be based on a specific list of projects that identifies the growth-related portion of the projects. This has made a huge difference in the way the process is laid out and how SDC money can be spent.

Mr. Ganer then reviewed several tables and data relating to the rate structure. Tigard currently has two types of SDC's for Parks, which are residential development and non-residential development. Changes have been taken into consideration in growth and population as well as employment. He then reviewed the report:

- Table 3.1 shows the projected increase between 2003 and 2008. The year 2008 was chosen because 2008 is the limit of the current Parks & Recreation Master Plan. The projected increases take into account both the current city area as well as the projected annexation of Bull Mountain as it is included in the City's planning area. The current rates were based on 1990 census data and the proposal incorporates 2000 census data. There is a discussion on the benefit of identifying non resident vs. resident demand on the system. The approach is very similar to the current methodology. Tigard's model has been used by a number of cities in terms of the non-residential demand ratio.
- Table 3.6 shows the weighted average hours for non-resident employee's use of facilities or potential use of facilities versus that of residents, in order to develop a ratio of 22.8. This means that it takes a little more than 4.5 employees to have the same impact on facilities used by one resident.
- Table 3.7 describes the needs for facilities. The Parks & Recreation Master Plan takes into account the entire planning area, as well as the Parks White Paper, to make sure all projects have been taken into account. Table 3.7 shows the current inventory of each type of park facility. The column "2008 Need" is what the Master Plan calls for Tigard to have. The difference between the "Current Inventory" column and the "2008 Need" column drives the other numbers. The difference between the "Current Inventory" and the "2008 Need" columns represents the current need.

This number is the total acres or miles of trails to meet the standard expected by the year 2008. This is based on the specific need by type of facility and will provide that information in the chart. The Overall Master Plan projected an overall need of a little over 11 acres per thousand, which is a very high level of service. This was what was identified in the capital improvement plan included in the master plan. That information will be included in the next draft report. This figure provides information on what is needed to meet that standard today. When the current need is compared with the current inventory, which identifies where the deficiencies are. There is already a deficiency of 17.15 acres of neighborhood parks which needs to be added to meet the needs of current residents. The growth from now through 2008 is only 3.59 acres. The growth needs determines how much the SDC rates should be and how much of a project can be allocated between SDC and non-SDC use. The information in Table 3.7 is what drives all the other numbers.

- Table 3.8 shows application of a cost per unit for each different type of facility, multiplies those numbers against the number of units that are needed to come up with the total cost, and how much is growth costs. Total new facility cost is \$27.7 million. Of that, \$10.4 million is growth-related, with the rest being non-growth related; meaning projects would have to be paid for from some other source of revenue.
- The SDC statute allows recouping administrative costs as part of the SDC fees. Page 12 shows the calculation for administrative and compliance costs to include those costs in the SDC calculations.

Mr. Ganer explained the next section gets into the calculation of the residential portion of the SDC rates:

- Table 4.1 shows the growth required costs and the compliance costs, for a total of \$9.5 million in SDC eligible residential costs.
- Table 4.2 divides figures from Table 4.1 to get a cost per capita, which is just under \$1,800, which is then multiplied by persons per dwelling unit.
- Table 4.3 shows a residential improvements cost per dwelling unit for single family residents, which is \$4,800.
- Mr. Ganer noted there needs to be taken into account the deficiency repair. Currently there is \$17.5 million in deficiencies that need to be paid for out of some other source and is included for the purpose of calculation. The Statutes do not require having a funded plan, but does require identification

of some feasible way to fund filling that deficiency. You cannot just impose an SDC and not do anything about it. If you do that, what you are saying is that growth is going to fill the hole, and SDC money cannot be used for that. He has calculated some "what ifs" scenarios. One "what if" would be if a bond issue was passed in a couple of years to make up that \$17.5 million. All of that money would be paid back by property taxes, but part of it would be from property taxes paid from growth areas, and property owners cannot be charged both the SDC and property taxes. A credit is calculated for the present value of the future property taxes. This tax credit is shown in Table 4.4.

- The bottom line in Table 4.5 shows improvement costs, less the tax credits, and ends up with an SDC per dwelling unit of \$3,893 for a single family dwelling unit.
- The same process is applied for non-residential SDC rates.
- Table 5.4 shows a rate of \$265 per employee.

Mr. Ganer stated there are the three appendices attached to the report. Appendix A is the capacity improvement program showing a number of different projects, not site specific, but general area specific, and shows a breakout between what portion of a project is growth related and non-growth related. The first six projects are identified as Bull Mountain neighborhood parks, either site acquisition or development, and shows a 40% growth need, 60% other needs. The reason for that is there has already been a lot of growth that has taken place in the Bull Mountain area. The total number of acres that are needed that are growth related is 40% of these projects. The funds were allocated on a 40/60 division, but could be modified to a 50/50 or even 30/70 split. Some could be 30/70 for one project or 50/50 for another project. Some jurisdictions use SDC funds for site acquisition only, and non for development. They will increase the allocation for the site acquisition and zero out the allocation for development. This type of issues are now required by Statute that there be this breakout by percentage.

Mr. Ganer explained the legislature did not change the statute that would allow jurisdictions to make changes in the plans at any time. If the plan is adopted, it can be modified. You are not stuck with the plan forever. If after the plan is adopted, you find a source of revenue that you had planned to use SDC's on something, you can reallocate the percentages, or you had planned to use SDC's and the other source of revenue is no longer available, you can reallocate. There is some flexibility; you are tied to the plan until it is modified.



Councilor Wilson asked how the money can be used that has already been collected.

Mr. Ganer noted this proposal anticipates growth need for future revenues that come in after this methodology goes into effect. The money already in the bank is allocated for projects included on this list. That list can be modified as well.

Mr. Koellermeier distributed a handout entitled "Parks Capital Fund – 5 year CIP" (Agenda Item #3, Exhibit 1, copy of which is on file with the City Recorder). This information was crafted to explain that the current planning is based on current resources, and identifies some commitments that have been made in the current capital improvement program which uses SDC's as the match for grant projects and debt services for a loan which had been pledged against current SDC's. It also shows projects currently in the works, what could be changed other than debt services, or even the possibility of pulling back from some existing grants. There is some reprogramming that could take place. He noted this is a substantial change to the methodology and different from the way the City has historically calculated the SDC methodology. This process pre-identifies projects and allocations that is growth related vs. non-growth related.

Mr. Ganer distributed a list of cities in the metro area to show how Tigard ranks with other cities and their SDC rates and is identified as Appendix B, (Agenda Item #3, Exhibit 2, copy of which is on file with the City Recorder). There are three jurisdictions with rates lower than Tigard's and 12 jurisdictions with higher rates. Three and possibly four jurisdictions are currently reviewing their rates and West Linn's fees, which are the highest in the region, are currently be reviewed by the Oregon Court of Appeals. Two other cities have already increased the rates which will take effect January 2005.

Councilor Woodruff stated many people have stated they felt Tigard's parks and open spaces are under-funded. If there a way in this process to justify a significant increase in SDC, he would support it.

Councilor Moore stated he was not aware that Tigard's SDC's were so low in comparison with other jurisdictions in the region.

Mayor Dirksen said he was concerned that the increase be justifiable. He said a lot of the methodology is anticipatory, based on the supposition that Bull Mountain will become part of the taxing authority area. He asked how the City can pull Parks SDC from that area without the authority to do so, and how are we going to be able to fund capital improvement projects without having the taxing authority for the area.

Mr. Ganer stated the Washington County Commissioners are currently dealing with that issue with the Tualatin Hills Park District. There is a lot of growth going on that outside the District but inside their planning area, just like Bull Mountain is in Tigard's planning area, and do not have any authority to impose the SDC on those areas outside the current District boundaries. They are working on an agreement with the County where the County is actually going to become the Park's provider and adopt the same methodology as the Park District. Washington County Commissioners are considering this agreement which is on their agenda next week. The County would have an intergovernmental agreement with the Park District on managing the money and the County would have to develop and maintain their own fund, but the money could be used on joint projects. The City of Tigard could do the same thing if they had an agreement with Washington County for areas outside the City's boundaries. There would have to be an additional agreement for maintenance. There are a lot of "if's."

Mayor Dirksen noted that based on these "if's," would the rates be challengeable.

Mr. Ganer said he didn't believe it would be, because Tigard is responsible for growth within its planning area. This is a formal agreement to manage the growth. To do something less than anticipation of all the growth that may occur would not be living up to the agreement.

Mr. Koellermeier stated he had asked Mr. Ganer the same question relating to how this affects the Bull Mountain area. He was told that Tigard still has the authority to plan and calculate what the need would need. If the annexation happens, that is fine and it is business as usual, and Tigard would address it as if the area was in the city at that time. If the annexation does not happen and the County did not come up with some way to collect the SDC's for the City, there will still be a need sometime in the future. The one factor we would not have is the income stream. The one difference is that the need has been ratcheted up.

Councilor Wilson asked if the money could be used to purchase property and not improve it.

Mr. Ganer responded it is correct that some cities just use SDC funds for land acquisition, and others also use the funds for development. Some cities have open space or trail corridors that are just open space and have used SDC money on it. One issue the Homebuilders Association used to challenge the Park SDCS in the City of West Linn, which the Circuit Court upheld, was that the city was buying open space with no plans to do anything with it, other than to maintain it as open space and that it was a non park and recreation facility. Several cities have decided that pending the outcome of the Court of Appeals decision, they are not using SDC

money to buy open space that they plan to leave as open space. They will buy land that has been identified as future recreation facilities, but not just open space.

Mr. Koellermeier noted that with Council's approval, the schedule will be to open this up for public comment and a public hearing scheduled at the November 23 Council meeting, after the outcome of the election is known. The intent of this meeting was to provide an initial introduction to the concept and to indicate there are substantial changes to the methodology, before beginning the public process. With Council's approval, the document will be distributed, he will establish a contact with the Homebuilder's Association and identify any issues they might have concerns about, and then hold the public hearing.

Mr. Monahan noted the last column on page 2 of Appendix B relating to the Parks Capital Fund 5 year projected balance, the beginning fund balance should be blank.

#### 4. PRESENT EXECUTIVE SUMMARY OF PARK & RECREATION ASSESSMENT SURVEY

Mr. Koellermeier introduced Melissa Martin from The Nelson Report, to present the findings of the Parks & Recreation Assessment Survey. Copies of the report were distributed to the public (Agenda Item #4, Exhibit 1). A copy of the report is on file with the City Recorder.

Melissa Martin, The Nelson Report, P O Box 12945, Salem, reviewed the questions and the survey results.

Carl Switzer, Chair of the Parks & Recreation Advisory Board, noted this was the first opportunity for the Advisory Board to see the results at the same time Council received the report. He noted that Dan Plaza, Parks Manager, did a good job of working with the consultant. He thanked the Council for their support and allowing the survey to be conducted. It appears there is some support for protecting wetlands and open space. The challenge for the Board is, what are we going to do with this information now that we have it. It is too late to put something on the November ballot, but maybe next year or the year after. The challenge will be to not loose momentum that indicates the City of Tigard residents may be ready for a recreation program and supports the protection of wetlands and open space.

Scott Bernhard, Parks & Recreation Advisory Board member, said there has been a lot of effort put forward on this survey and money is what it takes to make anything happen. The Board has a challenge of what to do with the survey now.

Councilor Sherwood noted that in order to get community support, she suggested the Advisory Board start making suggestions, looking a potential property, and plans.

Mr. Bernhard replied the Board has looked at ways to bring this to the community.

Councilor Moore stated his expectations would be for the Board to come to City Council with some recommendations, on a possible bond measure or how it feels the City should proceed. He felt the document contains some very valuable information. He felt the board should sit down, beat it to death, and come back in three or four months, to make some recommendations.

Mr. Monahan suggested that another element might be, now that the Board has this report and because the Committee is still relatively young in its existence and may not be well known to the community, that after the Board meets to discuss it, that they take the report out to the community and hold a couple of public meetings, to enlist input from the community. The respondents had very little information to go on. Perhaps the Board will find some community interests in the questions and results, thus being able to help identify some projects and properties for acquisition.

Councilor Wilson said while this is a good piece of work, he had some disappointments that there is not a bigger mandate on any particular area, as almost all the responses were 50/50.

Councilor Moore stated the results did not surprise him. Not everyone wants the same thing and there is not 100% agreement on everything. He almost expected these results.

Ms. Martin indicated the survey asked questions about a variety of different issues and there was a lot for the person on the phone to digest. As the survey progressed, the responses became mushier because there was so much information being requested at one time.

Councilor Sherwood stated when she participated in a survey recently, after 15 minutes, she had had enough and just couldn't concentrate on the questions.

Councilor Wilson noted the schools do surveys all the time. The schools have to educate the kids and have to find a way to sell it to the public. He asked if this type of response was typical. Parks are either there, great, but if they aren't, citizens will find something else to do. He thought that if the focus of the survey was a skateboard park, the responses would have been more focused. The survey was asking about too many proposals, and in looking at the results, it appears that green spaces had a lot of support. A case could be made for a community center from

the results of the survey. We could put together a proposal and try to sell it, but there was no clear mandate.

Ms. Martin explained that most of the time when surveys are conducted for school districts, there is a very specific project in mind. The public knows where it will be located and it is easy to zero in on the particular issue. As you saw in the community recreation center area, a variety of questions were asked trying to determine what information brought out a positive response. In most cases, they are only dealing with one or two proposals. Because there were so many projects for this particular questionnaire, they did not have the time to focus on any of the projects to get a real good feel for what the community really supported.

Mr. Switzer said one comment Councilor Wilson stated was there was no clear mandate on any particular issue. One page 2, it appears there is a clear interest in creating a recreation district. He noted the survey was conducted in a vacuum with no pre-publicity that the survey was going to be conducted, and the phone calls came out of nowhere. If there had been some publicity, even an article in the newspaper that this was being done, he felt the results might have been different. This was a cold call to citizens asking what they thought about recreation and parks.

Mr. Bernhard agreed no footwork was done, and who knows what kind of picture the Board could draw for the Council if there had been more time to do this. There is some real good quality input available and the results will provide some hare core data from citizens.

Mayor Dirksen agreed there was no clear mandate on this survey. He would have been surprised if there had been. It is nice to see the results of this survey, but the Parks & Recreation Advisory Board will need to take the data out to the citizens and then come back with some concrete recommendations on what the City should do.

Mr. Bernhard stated the survey is a starting point of discussion for the Board. They do not have any history, and there are some indicators in the survey on what citizens are interested in.

Mayor Dirksen recessed the study session at 9:05 p.m.

Mayor Dirksen reconvened the study session at 9:12 p.m.

## 5. SOCIAL SERVICES GRANT REVIEW & FUNDING PROCESS

Liz Newton, Assistant to the City Manager, explained the Council discussed this proposal on August 17. She reviewed the Rating Criteria that was included in the packet. Item No. 6 might be clearer if it read, "The agency demonstrates that a smaller portion of their funding requests will serve the same number of Tigard residents," or "More Tigard residents will be served for the same funding level that they received from the City in the previous fiscal year."

Councilor Woodruff asked how this item would affect the first time applicant. Ms. Newton noted that was a good point. The Council may want to change the values in the rating criteria. What has been discussed in the past is to make sure applicants were demonstrating they were looking for more funding sources.

Councilor Sherwood pointed out that other funding sources need to be provided on the application. Ms. Newton noted one of the criteria is that the applicant has demonstrated an effort to find other funding sources. Councilor Woodruff's point that if an agency is applying for the first time, they would need to show their efforts were demonstrated.

Mayor Dirksen stated an applicant would have to have a proven track record, so this just reinforces that. He did not think an agency would have to prove that they are doing better this year than the previous year, but if you can prove that, the application would have a higher standing.

Ms. Newton asked if that item should have a lower rating.

Councilor Sherwood agreed with a lower rating for item 6, as she would not like to see someone lose funding because of that.

The Council discussed redistributing the points.

Councilor Woodruff stated that instead of trying to come up with a revised statement for item No. 6 during the meeting, he would write something later and forward it to Ms. Newton for her review.

Ms. Newton reviewed the timeline for soliciting applications which begins in October. Once received, she will incorporate Councilor Woodruff's revision into the proposed rating criteria and forward the revised statement to Council for final review. She indicated reporting forms from the cities of Tualatin, Hillsboro and Beaverton were chosen as the cities from Washington County cities are familiar with Washington County's forms and programs, whereas Clackamas County's Social

Service program is slightly different. Agencies applying to Tigard would also be applying to Washington County and other cities.

The Council concurred to proceed with the application process after the revision of item No. 6 and revising the point distribution.

## 6. TRIMET COMMUTER RAIL STATION DESIGN

Jim Hendryx, Community Development Director, stated this has been an ongoing project for about eight years. There has been extensive discussion with Council and the downtown task force relating to some design concerns for the commuter rail stations. He then introduced Joe Walsh, TriMet, to update the Council.

Mr. Walsh distributed an outline of his presentation to Council (Agenda Item #6, Exhibit 1), copy on file in the office of the City Recorder. He stated he wanted to talk about where we are and where we are going relating to the station design.

- September 29 is "Distribution Day," meaning the project design is 60% complete. The project covers the 15 miles from Wilsonville to Beaverton, including tracks, signals, and park and ride facilities. The stations are the weakest part of the package right now in terms of percent complete.
- The biggest concern TriMet has relates to the cost estimates of the project. TriMet will begin discussion with the Federal agencies about the whole funding agreement, which is a major key of the entire deal. The estimated project cost is \$103.5 million, with 50% coming from the federal dollars and rest will be from "local" sources. No local money of consequence can be spent until the whole package is approved (federal and local money).
- They are looking at a proposal for self-propelled vehicles, which is a big innovation of this project.
- TriMet has gotten into the station design since he last met with Council, which is moving slower than anticipated. The major concern has been the interface of the station location with street crossing which has been larger than anticipated. TriMet has talked with the Tigard Downtown Task Force a number of times. The stations at the major cross streets at Hall, Main, and Tualatin Sherwood Road will be required to be 300 feet from the cross streets. Crossing gates are heavily regulated by the State of Oregon and federal mandates. There are regulations on how long a gate can be down. The regulations allow one minute unloading and loading before the gates have to come back up. He explained that there are two kinds of traffic on the same line: freight and passenger, which

is unusual. Gates will always come down when freight trains approach crossings and stay down. Right now, there is not a reliable way other than speed for the signal system to distinguish between a freight or passenger train. The train slows down and stops for the circuit to recognize the commuter train. Gates need to stay up while the passenger train comes into the station and loads, and as the train takes off, the gates are to come down. This is a huge issue that still needs to be addressed by the signal engineers, both by in house and the consultants, to see if there is a system available that can solve this problem.

Mayor Dirksen stated he felt there were systems available that can distinguish between the types of trains.

Mr. Walsh stated there is a budget element involved in the signal device as well. TriMet will need to convince the State of Oregon, the Federal Railroad Administration, and the Portland & Western Railway, that the signal device is reliable and manageable. There are some highly technical satellite and GPS systems being tested in the mid-west but these systems are three to five years from approval for use. They will continue to look into these revolutionary systems.

Mayor Dirksen stated his opinion was that having the station that far from Main Street is unacceptable.

Mr. Hendryx stated he did not believe Mr. Walsh completed the presentation on the separation and recognition of trains. It is critical that when the arms go down, the equipment be able to distinguish between a freight or commuter train. TriMet is saying that the technology is not yet available. Those concerns impact the distance of the stations from Main Street and Scholl's Ferry Road.

Mr. Walsh explained the need to have some margin of safety for station overrun. They know that Portland & Western operators are licensed and regulated by the Federal government, and the consequences for the Portland & Western operators overrunning a station or going through a signal are very significant as this is their livelihood. Things do happen with mechanical or tension issues, but there needs to be some provision for safe stopping. That has to do with how quickly the trains decelerate into the station. The commuter trains will start slowing down as they come into the station and travel at 10 MPH between the Hall Blvd. and Main Street stations. This concern creates a whole cascading series of considerations. TriMet continues to look for ways to make the stations line up with the transit center to make a clear and inviting path from Main Street back to the station. The intent is to widen out the tracks to accommodate the station, meaning there is approximately 16 feet gross area to include railing, lighting and plantings to create an inviting pedestrian walkway. TriMet is also looking at ways, from a visibility and attractive standpoint, to make a better tie from Commercial Street to the station.



Mr. Walsh pointed out there is a real problem with the station at Washington Square, south of Scholl's Ferry Road. The existing businesses in the area include Levitz, Toys 'R Us, and where Westside Propane is located. That location has been where the park and ride has been conceptually located. There are a number of challenges to locating the park and ride in this area, including security, access to the park and ride facility to the station and from Cascade Avenue. He pointed out some difficulties they were still faced with at this station.

Mr. Hendryx stated this station is physically located behind Toys 'R Us. TriMet will be looking at a couple of different options and recognizes the problems with visibility and access from the park and ride.

Mayor Dirksen said he didn't know if it made any difference which side of Scholl's Ferry Road the station is on, whether it is in Tigard or in Beaverton. If it is better if it is located on the other side of Scholl's Ferry and works better, he feels that is the better way to go.

Mr. Walsh stated TriMet has been talking about the location of that location in Tigard for long time; it would be difficult to begin discussions to move that station location now. He explained that Levitz had indicated a willingness to agree to a long term lease for the park structure on its property. They are faced with a different situation dealing with the downtown Tigard stations. He referred Council to the conceptual drawing of the station shelter on the back of the handout, and reviewed the project schedule before construction is to begin in the fall of 2005.

Mr. Hendryx noted TriMet is faced with some critical deadlines as the final design is scheduled to be completed in January 2005. TriMet will continue to meet with the Downtown Task Force on the issue of betterments over the baseline project. He asked how Council wants to be informed of progress or whether additional briefings were needed. Either he or Mayor Dirksen, who is a member of the Downtown Task Force, could keep the Council up to date on progress.

The Council concurred that either Mayor Dirksen or Mr. Hendryx would keep the Council informed.

Council concurred to proceed with last couple of items and go past 10 p.m. but proceed at this time with Item 8

## 7. CONTINUE DISCUSSION OF COUNCIL GROUNDRULES – VISITOR'S AGENDA

At the end of the meeting, Mr. Monahan noted that Joanne Bengtston had surveyed the Oregon Association of Municipal Records on how other cities handle comments from the public on items not on the agenda. She had prepared a spread sheet showing the responses.

Councilor Moore indicated there was some good information from other cities, generally which is similar to what is being done now.

Mr. Monahan stated this item would be added to the Study Session agenda at the September 28 meeting.

## 8. PROCESS FOR CONTIGUOUS ANNEXATIONS

Mr. Hendryx explained a number of developments have been proposed or approved in the area adjacent to the City which have an impact on the City. He reviewed a list of terms relating to annexation. Council has placed the Bull Mountain annexation ballot measure on the November 2004 ballot, but other developments will have an impact on the City independent of that vote. A map showing the location of developments with Consent to Annex and Waiver of Remonstrance's had been executed was reviewed, which included Tuscany Estates, Bella Vista, Summit Ridge, Alberta Rider, Arbor Summit 1 and 2 developments, and areas where islands existed or might be created as a result of annexation. Mr. Hendryx reviewed his staff report and recommendations which were included in the council packet.

Mr. Hendryx, in response to Council questions, indicated that Park SDC's may be lost if the Washington County Commission does not impose a proposed Park SDC program for the Bull Mountain area.

There was Council concurrence to:

- Not support cherry stem annexations in order to annex areas some distance from existing City limits,
- Avoiding purposely creating islands, but realizing that an island might be created as a result of annexing land approved for development,
- When an annexation petition is received, to continue the process of staff contacting other property owners to see if owners of adjacent property are interested in annexing at the same time,

- At this time, not proceeding with annexing islands without consent of property owners, and
- Continue with the existing policy relating to double majority of not annexing other properties without owner consent, but look at it on a case by case basis.

9. COUNCIL LIAISON REPORTS - none

10. NON-AGENDA ITEMS

➤ TVF&R REQUEST FOR A JOINT COUNCIL/BOARD MEETING.

Mr. Morrison indicated TVF&R has requested a joint council/board meeting in addition to the lunch meeting set for September 29.

Councilor Moore asked if whatever they are concerned about could be discussed at the lunch meeting.

Mr. Monahan stated their request did not include a specific reason for a joint meeting. He will check to see if their concern could be discussed at the September 29 lunch meeting.

➤ ATTENDEES FOR TVF&R LUNCHEON AT STATION 51 9/29/04  
Noon-1:15 P.M.

Councilor Moore, Sherwood, Wilson and Woodruff indicated they would attend the Joint Meeting with TVF&R.

➤ BENEFIT VERIFICATION SHEET – DEADLINE 9/30/04

Mr. Monahan noted the enrollment forms need to be submitted by September 30.

➤ ADMINISTRATIVE ITEMS

Calendar Review

- September 29: Lunch at TVF&R Station 51 – Noon – 1:15 pm

- October 12: Council Business Meeting 6:30 pm
- October 19: Council Workshop Meeting 6:30 pm
- October 26: Council Business Meeting 6:30 pm
- October 31: Daylight Savings Time Ends
- November 2: Election Day
- November 4 – 6: League of Oregon Cities Conference – Portland
- November 9: Council Business Meeting 6:30 pm
- November 11: Veterans Day – City Hall Closed
- November 16: Council Workshop Meeting 6:30 pm
- November 23: Council Business Meeting 6:30 pm
- November 25: Thanksgiving – City Hall Closed
- November 26: Holiday – City Hall Closed

Mr. Monahan noted he had talked with Steve Wheeler, Tualatin City Manager, who had proposed a joint meeting with the Cities of Tigard and Tualatin, and the Tigard/Tualatin School District Board, with the School District hosting the meeting. The School District had proposed a meeting date in October, but he and Mr. Wheeler had suggested delaying the meeting until mid-November, in order to invite the newly elected Council members to attend.


The Council concurred with Mr. Monahan's proposed date.

## 11. ADJOURNMENT

Study session recessed at 10:12 p.m.

  
Jane McGarvin, Deputy City Recorder

Attest:

  
Mayor, City of Tigard

Date: October 26, 2004